



Appeal Decision

Site visit made on 29 November 2022

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2022

Appeal Ref: APP/P5870/D/22/3305956

575 Gander Green Lane, Sutton, North Cheam SM3 9RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Woy against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00537, dated 20 March 2022, was refused by notice dated 09 June 2022.
 - The development proposed is described as the construction of a vehicle crossing.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a vehicle crossing at 575 Gander Green Lane, Sutton, North Cheam SM3 9RF in accordance with the terms of the application, Ref DM2022/00537, dated 20 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan of Existing Frontage (scale 1:100); Plan of Frontage with Proposed Vehicle Crossing (scale 1:100); Plan of Frontage with Proposed Vehicle Crossing (scale 1:50); and Location Plan (scale 1:1250) Date Produced 31 March 2022.

Procedural Matters

2. I have removed the address of the appeal property from the description of the development as this is not necessary and this provides a more accurate description of the development.

Main Issue

3. The main issue is the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site and pedestrian safety.

Reasons

4. The appeal property fronts to the public footway and highway to the north-east. Within the front garden area of the appeal site, approximately two-thirds of its north-eastern boundary are open to the footway, which is commensurate in width with a hardstanding area, however there is no dropped kerb to the highway itself. At the time of my visit, a domestic vehicle was parked on the hard surfaced area. The remaining third of the front garden of the appeal site is

- enclosed to the adjacent footway by a boundary wall with hedging and the space thereafter is laid to an area of lawn.
5. The appeal proposal relates to the provision of a dropped kerb to the public highway and a vehicle crossing point over the adjacent footpath to the north-eastern end of the appeal site. The location of such directly adjoins an existing dropped kerb and access serving the neighbouring dwelling no.573.
 6. The appeal property itself is a two storey dwelling, and is relatively wide in its plot compared to neighbouring properties. At its eastern end the property has a garage doorway with accommodation above. I have been made aware of a planning decision dating from 2001¹, which indicates the garage as forming part of a wider extension to the property, this decision notice also includes reference to the 'formation of access onto classified road.'
 7. On the footway, directly outside of the appeal site there is a bus stop operated by Transport for London (TfL). The bus stop sign and timetable is fixed to a pole positioned adjacent to the section of the appeal site that is enclosed by the boundary wall and hedging. During my visit, I noted that individuals waiting at the bus stop stood aside the boundary wall.
 8. On the highway itself, double red lines which delineate an area where vehicles are not allowed to stop at any time, run from the road junction to the north-west to a point just beyond the north-eastern corner of the front boundary of the appeal site, thereafter, these lines continue as double yellow. A bus stop area is also delineated on the highway running the entire length of the appeal site.
 9. I have also been provided with copies of correspondence between the appellant's late father and the Council dating back to 2000 regarding the potential for the installation of a vehicle crossing to serve the appeal property. Further, the appellant has provided me with a plan² from the Transport Planning & Works Section of the Council delineating 'Bus Stop Accessibility Gander Green Lane' which indicates an area to the front of the appeal site termed 'cross-over to property unaffected by the proposal.'
 10. As the property has a garage; non-enclosed hardstanding areas to part of the front section of the appeal site; reference to the formation of an access onto the highway to the north in a decision notice from 2001 which it appears related to the garage extension; photographs of the parking area in use over time; alongside the various other correspondence provided through the submissions; it is evident to me that off-street parking and traffic movements onto the highway are associated with the use of the appeal site already in planning terms.
 11. I note that TfL and the Council's highways officer have raised objections to the proposal and explain that they are concerned about a potential conflict with pedestrians waiting at the bus stop; the implications of a dropped kerb with regard to the deployment of disability ramps from a bus; and wider concerns about the limited manoeuvrability on the appeal site, which they consider would be likely to result in vehicles either reversing out onto the highway, or stopping and reversing back into the site from the highway itself.

¹ A2001/47032 for the 'Erection of a two-storey side extension and formation of access onto classified road.'

² T7051/PL1&2

12. However, I am not convinced that the appeal proposal would lead to any significant conflict with individuals waiting at the bus stop, the stop is not in the same place as the location for the proposed drop kerb, the stop itself being sited approximately 5 metres away to the north, whereby individuals waiting for the bus stop, would in my view instinctively wait against the boundary wall to the eastern boundary of the appeal site, as I experienced during my visit. Due to the separation distances involved, and the available safe pedestrian stopping area against the boundary wall, I thereby consider that it would be highly unlikely that individuals would be positioned on the footpath, awaiting the bus, at the location of the proposed dropped kerb and vehicular crossing.
13. Further, I do not see how the proposal would prejudice the deployment of a disability ramp from a bus, the proposal relates to a crossing point and dropped kerb for approximately one quarter of the site frontage, adjacent to an area of existing dropped kerb, the remainder of the highway closest to the bus stop pole itself would remain as is the case at present.
14. I acknowledge that manoeuvrability within the site itself, to enable vehicles to enter and leave in a forward direction would involve a number of movements, and this may lead to individuals reversing out or into the appeal site. But this is the case for numerous other properties along the street, including those to either side of the appeal property. Further, as outlined, the appeal site contains a garage with planning permission from 2001, reference to the formation of an access in the same decision notice and an existing hardstanding area. In this context, I do not see how the appeal proposals would result in a significant increase in conflict with users of the footway and highway.
15. I find, therefore, that the proposed development would be acceptable, that it would not conflict with Policies 36 and 37 of the Sutton Local Plan 2016-2031, adopted February 2018, or any of the corresponding policies of the National Planning Policy Framework 2021.

Conditions

16. The standard time limit is required together with a condition listing the plans in the interests of certainty.

Conclusion

17. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR